

REMARKS

The Official Action dated April 25, 2005 has been carefully considered. It is believed that the present Amendment places the application in condition for allowance. Reconsideration is respectfully requested.

By the present Amendment, claims 9, 12, 18 and 19 have been amended to clarify that the electromechanical motor, battery and dispensing chamber are enclosed within the waterproof casing and to clarify that the orifice, dispensing activator and scrubbing surface are provided on the external surface of the waterproof casing in accordance with the teachings throughout the specification. Claims 9 and 18 have also been amended to recite that the longitudinal axis passes through the waterproof casing, as shown in Figs. 1 and 2. Claims 9, 12, 18, 19, 21, 24 and 33 have also been amended for several additional matters of form, and claims 34-37 are added. Support for these claims may be found in the specification, for example at page 7, lines 10-14, page 11, lines 19-23 and Fig. 2. It is believed that these changes do not involve any introduction of new matter, whereby entry is believed to be in order and is respectfully requested.

In the Official Action, claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over the Enoch U.S. Patent No. 5,881,418 in view of the Palaikis U.S. Patent No. 5,507,968 and further in view of either the Hart U.S. Patent No. 3,316,428 or the Japanese Application No. 8-126786 (JP '786). The Examiner asserted that Enoch discloses the invention substantially as claimed with the exception of the vibration buffer and the scrubbing surface comprising a non-woven fabric. The Examiner relies on Hart and JP '786 as disclosing means for isolating or reducing vibrations produced by a motor and on Palaikis as disclosing a cleaning material/pad of non-woven fabric.

This rejection is traversed and reconsideration is respectfully requested. More particularly, the hand-held scrubbing device of claim 9 comprises a waterproof casing enclosing in its interior an electromechanical motor, a battery, and a dispensing chamber. Additionally, the waterproof casing

is provided on its exterior surface with an orifice in fluid communication with the dispensing chamber, a dispensing activator at least indirectly connected to the dispensing mechanism, and a scrubbing surface. The scrubbing surface is at least indirectly mechanically linked with the electromechanical motor, comprises a non-woven fabric, and has a width that is larger than the width of the waterproof casing.

Enoch discloses a portable device for washing drinking glasses which includes a hollow tubular handle containing a rotary shaft, drive motor and battery. A circular sponge cleaning element is attached to the exterior end of the rotary shaft for cleaning the interior surface of a drinking glass. Specifically, a shaft 16 has an exterior shaft section that extends from handle 10 and connects with a mounting pad 24 for a sponge cleaning element 26. However, Applicants find no teaching or suggestion by Enoch of a hand-held scrubbing device as recited in claim 9, particularly wherein an exterior surface of a waterproof casing is provided with an orifice, a dispensing activator and a scrubbing surface. Specifically, Applicants find no teaching or suggestion by Enoch of a scrubbing surface provided on an exterior surface of a waterproof casing. To the contrary, Enoch discloses that the sponge cleaning element 26 is mounted on an exterior shaft section protruding from the hollow tubular handle 10 that houses a motor and a battery. One skilled in the art will appreciate that not only does the hand-held scrubbing device defined by claim 9, wherein the scrubbing surface is provided on an exterior surface of the waterproof casing, provide a compact design, it also avoids the use of an exterior shaft which can be susceptible to stress during rigorous scrubbing actions. Applicants find no teaching or suggestion by Enoch relating to a hand-held scrubbing device as recited in claim 9, or any motivation for modifying the teachings of Enoch to result in a hand-held scrubbing device as described in claim 9.

Moreover, the deficiencies of Enoch are not resolved by the secondary references. For example, Palaikis discloses porous pad cleaning articles including a controlled detergent release composition. However, Applicants find no teaching or suggestion by Palaikis of a hand-held

scrubbing device having a waterproof casing enclosing a motor, a battery and a dispensing chamber, or provided on its exterior surface with an orifice, a dispensing activator and a scrubbing surface, as presently claimed. Hart discloses a portable rotary tool which includes a rotating shaft or spindle for removing very loosely packed accumulations of lint from textile machinery. Applicants find no teaching or suggestion by Hart relating to a hand-held scrubbing device, particularly containing a waterproof casing provided on its exterior surface with an orifice, a dispensing activator and a scrubbing surface. In fact, Applicants find no teaching or suggestion by Hart of any scrubbing surfaces. Finally, JP '786 discloses a shaver provided with means for reducing vibration of the electric shaver caused by motor vibration. However, Applicants find no teaching or suggestion by JP '786 relating to a hand-held scrubbing device, particularly with a waterproof casing provided on its surface with an orifice, a dispensing activator and a scrubbing surface as recited in claim 9.

To establish a prima facie case of obviousness, the prior art reference, or references when combined, must teach or suggest all of the claim limitations. MPEP §2143. Further, there must be suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings, and there must be a reasonable expectation of success, both of which must be found in the prior art, *In re Vaeck*, 20 U.S.P.Q. 2d 1438 (Fed. Cir. 1991). Applicants find no teaching in any of the cited references of a hand-held scrubbing device as recited in claim 9, wherein an orifice, a dispensing activator and a scrubbing surface are provided on an exterior surface of a waterproof casing. Moreover, Applicants find no teaching or suggestion for modifying the teachings of Enoch to result in such a device, or relating to any motivation for making such a modification. Thus, the cited combination of references does not render the hand-held scrubbing device of claim 9 prima facie obvious. It is therefore submitted that the rejection of claim 9 under 35 U.S.C. §103 has been overcome. Reconsideration is respectfully requested.

Claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over Enoch in view of the Ferguson et al U.S. Patent No. 3,272,023. The Examiner asserted that Enoch discloses the invention substantially as claimed with the exception of the particular motor activator. The Examiner relied on Ferguson et al as disclosing a hand-operated motor driven device as well as a motor activator in the form of a pushbutton switch.

This rejection is traversed and reconsideration is respectfully requested. Claim 19, like claim 9, recites a hand-held scrubbing device for cleaning a surface and comprising a waterproof casing enclosing an electromechanical motor, a battery and a dispensing chamber. Additionally, the waterproof casing is provided on its exterior surface with an orifice, a dispensing activator, and a scrubbing surface at least indirectly mechanically linked with the electromechanical motor. On the other hand, as discussed in detail above, Applicants find no teaching or suggestion by Enoch relating to such a hand-held scrubbing device, particularly wherein a waterproof casing is provided on its exterior surface with an orifice, a dispensing activator and a scrubbing surface. To the contrary, Enoch discloses that the sponge cleaning element 26 is provided at the end of an exterior shaft extending a distance from the hollow tubular handle.

Moreover, Ferguson et al do not resolve these deficiencies in the teachings of Enoch. That is, Ferguson et al disclose a power-driven apparatus for reciprocating a pair of hair comb members. Applicants find no teaching or suggestion by Ferguson et al relating to a hand-held scrubbing device, particularly comprising a waterproof casing provided on its outer surface with an orifice, a dispensing activator and a scrubbing surface. Thus, Ferguson et al do not resolve the deficiencies of Enoch. Further, in view of the failure of either of the cited references to teach or suggest all of the limitations recited in claim 19, these references in combination do not establish a prima facie case of obviousness. It is therefore submitted that the hand-held scrubbing device of claim 19 is nonobvious over and patentably distinguishable from the cited combination of references, whereby the rejection under 35 U.S.C. §103 has been overcome. Reconsideration is respectfully requested.

Claims 12, 18, 20-22 and 26-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Enoch in view of Palaikis. The Examiner again asserted that Enoch discloses the invention substantially as claimed with the exception of the scrubbing surface including a controlled release technology as required by claim 12 and comprising a non-woven fabric as required by claim 18. The Examiner relied on Palaikis as resolving these deficiencies.

This rejection is traversed and reconsideration is respectfully requested. More particularly, claims 12 and 18 both recite a hand-held scrubbing device for cleaning a surface and comprising a waterproof casing. The waterproof casing is provided on its interior surface with an orifice, a dispensing activator and a scrubbing surface at least indirectly mechanically linked with the electromechanical motor. On the other hand, as discussed in detail above, Enoch discloses a device in which a sponge cleaning element 26 is mounted on the end of an exterior shaft section extending from the hollow tubular handle 10 that houses an electric motor and a battery. Applicants find no teaching or suggestion by Enoch relating to a hand-held scrubbing device having a waterproof casing provided on its exterior surface with an orifice, a dispensing activator and a scrubbing surface. Moreover, as further discussed in detail above, Applicants find no teaching or suggestion by Palaikis for resolving these deficiencies in the teachings of Enoch.

In view of the failure of the cited references to teach or suggestion all of the limitations of claims 12 and 18, the combination of Enoch and Palaikis does not establish a prima facie case of obviousness with respect to claim 12 or claim 18. It is therefore submitted that claims 12 and 18, and claims 21-22 and 26-32 are nonobvious over and patentably distinguishable from Enoch in view of Palaikis, whereby the rejection under 35 U.S.C. §103 has been overcome. Reconsideration is respectfully requested.

Claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over Enoch and Palaikis and further in view of the Madison U.S. Patent No. 5,423,102. The Examiner relied on Madison as disclosing a battery which may be charged with a charging port.

This rejection is traversed and reconsideration is respectfully requested. Specifically, claim 24 depends from and therefore includes all of the limitations of claim 18. As noted previously, the combination of Enoch and Palaikis does not render the hand-held scrubbing device of claim 18 obvious. Madison does not resolve the deficiencies of Enoch and Palaikis with respect to claim 18, or claim 24. That is, while Madison discloses a portable cleaning device with a rechargeable battery, Applicants find no teaching or suggestion by Madison relating to a hand-held scrubbing device comprising a waterproof casing provided on its exterior surface with an orifice, a dispensing activator and a scrubbing surface at least indirectly mechanically linked with the electromechanical motor. Rather, Madison discloses that a tool engaging member 18 is provided with a rotary motion and in turn receives a cleaning implement. As shown, for example in Fig. 5 of Madison, the cleaning implements include a ball 68 at one end of a shaft and a cleaning disk or brush at the opposite end of the shaft. Particularly, Applicants find no teaching or suggestion by Madison wherein a waterproof casing is provided on its exterior surface with a scrubbing surface.

In view of the deficiencies in Enoch, Palaikis and Madison, these references in combination do not disclose or suggest all of the elements of the hand-held scrubbing device defined by claim 24 and therefore do not establish a prima facie case of obviousness. It is therefore submitted that the hand-held scrubbing device of claim 24 is nonobvious over and patentably distinguishable from the combination of references, whereby the rejection under 35 U.S.C. §103 has been overcome.

Finally, claims 18 and 20-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Madison in view of the Fry et al U.S. Patent No. 4,724,563, Palaikis and the Lanusse U.S. Patent No. 3,943,591. The Examiner asserted that Madison discloses a hand-held scrubbing device but fails to specifically state that the housing is waterproof. The Examiner relies on Fry et al as disclosing a waterproof or watertight housing, on Lanusse as disclosing a hand-held motorized cleaning device having a wand configuration and on Palaikis as disclosing non-woven fabrics for providing a scrubbing or cleaning surface.

This rejection is traversed and reconsideration is respectfully requested. The hand-held scrubbing device of claim 18 has been discussed in detail above. Importantly, the hand-held scrubbing device includes a waterproof casing enclosing in its interior an electromechanical motor, a battery, and a dispensing chamber, and provided on its exterior surface with an orifice, a dispensing activator and a scrubbing surface at least indirectly mechanically linked with the electromechanical motor. On the other hand, Madison discloses a portable hand-held cleaning device which is adapted to receive various cleaning implements, each of which is arranged at one end of a shaft having, on its opposite end, a ball for receipt in the tool engaging member 18. Applicants find no teaching or suggestion by Madison relating to a hand-held scrubbing device including a waterproof casing provided on its exterior surface with an orifice, a dispensing activator and a scrubbing surface.

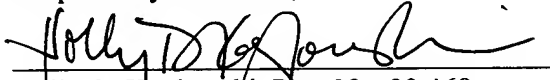
Moreover, the deficiencies of Madison are not resolved by Fry et al, Palaikis or Lanusse. For example, Fry et al disclose a personal care power brush having a handle member 14, a head portion 24 and a neck portion 26 connecting the handle and head portions, with each portion having its own longitudinal access. A brush head 30 is mounted on a spindle 34 fit within a bushing 40. Lanusse discloses a fluid product projection apparatus which includes a body-forming container and a brush member mounted thereon by a hollow shaft 42 extending through the container and the brush member. Finally, as discussed above, Palaikis discloses a cleansing article comprising a porous pad. However, Applicants find no teaching or suggestion in Madison or any of the secondary references for combining any of their teachings along the lines of the hand-held scrubbing device defined by claim 18, including a waterproof casing provided on its exterior surface with an orifice, a dispensing activator and a scrubbing surface.

As noted previously, not only must the cited combination of references teach or suggest all of the claim limitations, there must be some suggestion or motivation, either in the references themselves or in any knowledge generally available to one of ordinary skill in the art, to modify the

reference or to combine reference teachings, and there must be a reasonable expectation of success from such a modification. MPEP §2143. Applicants find no such suggestion or motivation, or any teaching of an expectation of success, in the various references relied upon by the Examiner. Thus, a prima facie case of obviousness of claim 18 has not been established. It is therefore submitted that the hand-held scrubbing device of claim 18, and claims 20-32 dependent thereon, are nonobvious over and patentably distinguishable from the combination of Madison, Fry et al, Palaikis and Lanusse, whereby the rejection under 35 U.S.C. §103 has been overcome. Reconsideration is respectfully requested.

It is believed that the above represents a complete response to rejections under 35 U.S.C. §103, and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,



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